

McPHARLIN SPRINKLES & THOMAS LLP

Robert E. Camors, Jr., CA Bar No. 121204

BOBCAMORS@MSTPARTNERS.COM

160 W. Santa Clara St., Suite 400

San Jose, CA 95113

Telephone: 408.293.1900

Facsimile: 408.293.1999

Attorneys for Plaintiff and Counterdefendant
GENMARK AUTOMATION, INC.

WILSON SONSINI GOODRICH & ROSATI

JAMES C. YOON, CA Bar No. 177155

JYOON@WSGR.COM

650 Page Mill Road

Palo Alto, CA 94304-1050

Telephone: (650) 493-9300

Facsimile: (650) 493-6811

Attorneys for Defendant and Counterclaimant
INNOVATIVE ROBOTICS SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

GENMARK AUTOMATION, INC., a
California corporation,

Plaintiff, Counterdefendant,

v.

INNOVATIVE ROBOTICS SYSTEMS, INC.,
a California corporation,

Defendant, Counterclaimant.

CASE NO. 05-cv-04707 PJH

**STIPULATION FOR ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE FOR 30 DAYS**

Local Rules 6-2 and 7-12

Hon. Phyllis J. Hamilton

Plaintiff, Genmark Automation, Inc. ("Genmark") and Defendant, Innovative Robotics Systems, Inc., ("IRSI") (Genmark and IRSI are collectively "the Parties") hereby stipulate and agree to seek an order continuing the Case Management Conference which has been set by the Court to occur on October 21, 2010 by the Court's Order dated September 9, 2010 (Docket Item No. 124). The facts supporting this Stipulation are in the Declaration of James C. Yoon filed herewith and which is Exhibit A hereto ("Yoon Decl.").

1 Plaintiff and Defendant request the continuation of this case management conference in
 2 order to have additional time to pursue settlement discussions and to prepare settlement
 3 documentation. *See* Yoon Decl. ¶ 3. Settlement work has progressed since the filing of the last
 4 stipulated request for an order continuing the case management conference on September 8,
 5 2010. The Parties have met and conferred regarding the settlement documents drafted by
 6 Genmark. IRSI's counsel provided Genmark with proposed changes to the settlement
 7 documents on September 15, 2010. On October 11, 2010, Genmark's counsel replied with a
 8 revised settlement proposal that IRSI is now considering. *See* Yoon Decl. ¶ 3.

9 The Parties request a further thirty day extension or continuation of the case management
 10 conference to facilitate their efforts to resolve this case without additional litigation. *See* Yoon
 11 Decl. ¶ 3.

12 WHEREFORE, Plaintiff, Genmark Automation, Inc., and Defendant, Innovative
 13 Robotics, Inc., stipulate and agree that the Case Management Conference should be continued to
 14 a date that is at least 30 days after October 21, 2010, which will allow the Parties an additional
 15 37 days to seek a final settlement of the case.

16 Respectfully Submitted,

17 Dated: October 14, 2010

McPharlin Sprinkles & Thomas LLP

19 By: /s/ Robert E. Camors, Jr.
 20 Robert E. Camors, Jr.
 21 Attorneys for Plaintiff
 Genmark Automation, Inc.

22 Dated: October 14, 2010

Wilson Sonsini Goodrich & Rosati

23 By: /s/ James C. Yoon
 24 James C. Yoon
 25 Attorneys for Defendant
 Innovative Robotics Systems, Inc.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED

2
3 Dated: October 19, 2010

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5 THE CASE MANAGEMENT
6 CONFERENCE IS
7 CONTINUED TO
8 DECEMBER 2, 2010 AT 2:00
9 P.M.
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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendant conferred on the 14th day of October, 2010, and that this stipulation was signed by the attorneys whose names appear above.

Dated: October 14, 2010

/s/ James C. Yoon

James C. Yoon
Attorneys for Defendant
Innovative Robotics Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2010, a copy of the foregoing was filed electronically through the Court's CM/ECF system, with notice of case activity automatically generated and sent electronically to all parties.

/s/ James C. Yoon
James C. Yoon

WILSON SONSINI GOODRICH & ROSATI

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CASE No. 05-cv-04707 PJH

**DECLARATION OF JAMES C. YOON IN
SUPPORT OF STIPULATION FOR
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE FOR 30
DAYS**

1 I, James C. Yoon, Jr., declare:

2 1. I am counsel of record for defendant Innovative Robotics Systems, Inc. ("IRSI").
3 I have personal knowledge of the matters stated herein and, if called as a witness, I could and
4 would testify competently thereto.

5 2. I make this declaration in support of the Stipulation for Order Continuing Case
6 Management Conference for 30 Days, which is concurrently being filed herewith.

7 3. Since the filing of the Stipulation for Order Continuing Case Management
8 Conference on September 8, 2010, and the Court's order of September 9, 2010 continuing the
9 Case Management Conference to October 21, 2010, the parties met and conferred regarding the
10 settlement documents drafted by plaintiff's counsel in August 2010. On September 15, 2010,
11 defense counsel provided Genmark Automation, Inc. ("Genmark") with IRSI's proposed changes
12 to the draft settlement documents. On October 11, 2010, Genmark's counsel replied with a
13 revised settlement proposal that IRSI is now considering. In view of the fact that active
14 settlement negotiations are still occurring, Mr. Robert Camors, counsel of record for plaintiff
15 Genmark, and I think that it continues to be in the interests of justice, especially as between these
16 two parties, to seek an order from the Court to defer the Court-ordered October 21, 2010 Case
17 Management Conference for another thirty days. We are of the view that this settlement process
18 is still continuing to move forward.

19 In the past, there have been two continuances sought and granted for this Case
20 Management Conference. The case has been on Court-ordered stay commencing on November
21 3, 2006 until the present. The case was filed on November 16, 2005.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct and that his declaration was signed in Palo Alto, California

24 Dated: October 14, 2010

25 /s/ James C. Yoon
James C. Yoon